

REMARKS/ARGUMENTS

Claims 1 and 9 have been amended. Claims 1-20 are pending in this application, but Claims 5-8 and 12-20 have been withdrawn.

Claims 3, 4 and 10 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the use of “a normal viewing position” is vague and indefinite or confusing. Applicants disagree as the language in Claim 1 referring to “viewing position” can be either a normal viewing position or a blind spot viewing position as clarified in Claim 3. The same is true for Claims 4 and 10. Thus, Applicants respectfully request that the Examiner reconsider this rejection in light of these remarks.

Claims 1-4, and 9-11 are rejected under 35 USC 102(b) as being anticipated by Jacobs (USPN 6,193,380).

MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim

Independent Claims 1 and 9 have been amended to require that the mirror adjust “to provide a view of the blind spot of the vehicle based upon both a viewing position of the driver and the view of the blind spot.” This amendment is described in a number of places in Applicants’ specification, but specifically on page 5, lines 12-20. As such, no new matter is added by this amendment. Further, this amendment clarifies that the mirror adjusts to track both an object in a blind spot and the driver. See page 8, lines 12-20 of Applicants’ specification where Applicants clarify that an embodiment of the invention detects a position of a driver and adjusts the position of the mirror based upon the detected position of the driver. Being able to adjust the mirror based upon the blind spot and the driver is a required limitation of Applicants’ claims.

In any case, such a limitation is not described either expressly or inherently in the Jacobs reference, as required by MPEP § 2131. The prior art reference describes technology where a mirror position is changed to a pre-set position in response to an obstacle detected in a blind spot. Applicants claimed invention requires that the mirror be adjusted “to provide a view of the blind spot of the vehicle based upon both a viewing position of the driver and the view of the blind spot.” As such, this limitation is not found in the prior art references. Since the limitation to “to provide a view of the blind spot of the vehicle based upon both a viewing position of the driver and the view of the blind spot” is not described either expressly or inherently in any of the cited references as required by MPEP § 2131, the rejection is unsupported by the art and should be withdrawn.

Therefore, Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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